

MAR 26 2013

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

**FILED**

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	CONSENT ORDER
PETITIONER,	)	
	)	
VS.	)	CAUSE NO. A-1979
	)	
RUSSELL T. HAWLEY	)	
(NAIC Producer #226276),	)	
	)	
RESPONDENT.	)	
	)	
	)	

In order to resolve this matter, the Nebraska Department of Insurance (“Department”), by and through its attorney, Matthew W. Holman, and Russell T. Hawley (“Respondent”), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44-101.01, and 44-4047 to 44-4067 (Reissue 2010).
2. Respondent was licensed as an insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Russell T. Hawley (NAIC National Producer #226276), Cause Number A-1979 on February 25, 2013. A copy of the petition was served upon the Respondent at Respondent’s registered business address and home address by certified mail, return receipt requested, and by regular U.S. mail.

2. Respondent is alleged to have violated Neb. Rev. Stat. §§ 44-4059(1)(b) and 44-4065(1) (Reissue 2010) as follows:

- a. On or about October 16, 2006, The United States of America, on behalf of the United States Department of Agriculture, filed a civil action in the United States District Court for the Northern District of Iowa Western Division, against Respondent and Hawley Insurance, Inc. This civil action alleged violations of the False Claims Act, 31 U.S.C. §§ 3729(a)(1), 3729(a)(2), and 3729(a)(3), and common law fraud stemming from false statements submitted to the Federal Crop Insurance Corporation.
- b. On or about December 2, 2011, Respondent signed a settlement agreement with the United States Department of Agriculture in which Respondent agreed to pay \$834,897.50 to the Civil Division of the United States Department of Justice and the United States agreed to release Respondent from any civil or administrative claim based on the covered conduct.
- c. On or about December 5, 2011 the settlement agreement referenced in paragraph 2(b) was signed by John Voss, Office of the General Counsel for the United States Department of Agriculture.
- d. On or about February 2, 2012, the United States District Court for the Northern District of Iowa Western Division issued an order dismissing all claims in the above referenced action with prejudice.
- e. Respondent did not report this civil action to the Department of Insurance within thirty days of the final disposition of the matter.

3. Respondent was informed of his right to a public hearing. Respondent waives that right and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations stated in Paragraph 2.

#### CONCLUSIONS OF LAW

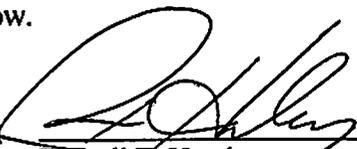
Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059(1)(b), and 44-4065(1) (Reissue 2010).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Russell T. Hawley, that:

1. Respondent shall pay an administrative fine in the amount of five hundred dollars (\$500.00) due within 30 days after the Director of Insurance or her designee approves and signs this consent order. If Respondent fails to pay the amount required under this consent order, within the time specified, Respondent's insurance producer license shall automatically be revoked.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.

 Matthew W. Holman, #24410 Attorney for Petitioner 941 "O" Street, Suite 400 Lincoln, NE 68508 (402) 471-2201	 Russell T. Hawley Respondent
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3/22/13  
Date

3/19/13  
Date

State of Iowa )  
County of Crawford ) ss.

On this 19<sup>th</sup> day of March, 2013, Russell T. Hawley personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be his voluntary act and deed.



  
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance v. Russell T. Hawley (NAIC National Producer #226276), Cause No. A-1979.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
\_\_\_\_\_  
Bruce Range  
Director of Insurance

3-26-2013  
\_\_\_\_\_  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to Respondent's business address, Hawley Insurance Agency, 205 Main Street, Box 305, Vail, IA 51465, by certified mail, return receipt requested, on this 26<sup>th</sup> day of March, 2013.

